GOVERNMENT OF INDIA
DEFENCE
LOK SABHA

UNSTARRED QUESTION NO:4706
ANSWERED ON:24.08.2000
COMPENSATION TO DISCHARGED PERSONNEL OF ARMY
T. GOVINDAN

Will the Minister of DEFENCE be pleased to state:

(a) whether the Kerala High Court has in recent pastdirected the Union Government to give compensationto military persons discharged from service;

(b) if so, the facts thereof along with the amount of compensation proposed for them;

(c) whether the Government are aware of similar cases where eighty discharged persons filed a case in the Kerala High Court; and

(d) if so, the action taken to compensate them in the light of the High Court's decision at

(a) above?

Answer

MINISTER OF DEFENCE (SHRI GEORGE FERNANDES)

(a) to (d): A statement is attached.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF LOK SABHA UNSTARRED QUESTION NO. 4706 FO 24.8.2000

As per extant policy of Government since 1968, candidates from Kerala were recruited to Defence Services subject to satisfactory special verification of character and antecedents. A number of Servicemen from Kerala who were recruited on this basis were discharged from Services on the special reports not being satisfactory. The Supreme Court of Indiain a judgement in 1986 declared such special verification discriminatory and without jurisdiction.

2. In pursuance of the above judgement of the Hon'ble Supreme Court, discharged Servicemen Association of Kerala and 79 others filed a case in the Kerala High Court in 1996 against their discharge andpraying for reinstatement in service and compensation. There were 13 other similar petitions filed by discharged servicemen either individually or collectively in the same High Court. Disposing these petitions, the Hon'ble High Court directed Government toconsider their fresh representations to be filed by them detailing grievances. There was no order by the Court for grant of compensation to the discharged Servicemen. These representations were accordingly considered by the Government. Government found no case made out in any of the representations for reinstatement or compensation. The representations were accordingly not accepted.